

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD NEWELL,

Plaintiff,

v.

HEATHER CLEM-JOHNSON,

acting in her official

capacity, **STEVEN LAW**

an individual acting in his official capacity,

CHARLES HASSENFELDT,

an individual acting in his official capacity,

DANIEL BIDDLE

an individual acting in his official capacity,

and **ANTHONY SVETZ**

an individual acting in his official capacity,

Defendants.

2:18cv1162

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 27th day of October, 2020, upon due consideration of plaintiff's motion to amend his complaint and defendants' opposition thereto, IT IS ORDERED that [48] the motion be, and the same hereby is, granted. Plaintiff shall file his Third Amended Complaint without delay.

At this juncture the differences between the gravamen of the Second Amended Complaint and the proposed Third Amended Complaint do not create an undue burden or prejudice for defendants. Pretrial submissions have not yet been filed. The defendants to be added have participated in discovery and, although there may be a need for some addition discovery, any such undertakings likely will be minimal. And the litigation will be streamlined by removing the claims against two defendants and keeping it focused on the information generated from the completed discovery. For these reasons, defendants' arguments of undue prejudice are unavailing.

s/David Stewart Cercone

David Stewart Cercone
Senior United States District Judge

cc: Joel Sansone, Esquire
Elizabeth Tuttle, Esquire
Massimo A. Terzigni, Esquire
John P. Senich, Jr., Esquire

(Via CM/ECF Electronic Mail)